

## **REMARKS**

Applicant appreciates the Examiner's thorough consideration of the present application. Claims 1, 2 and 4-18 are currently pending in the instant application. Claims 1 and 12 have been amended. Claims 1, 12, 15 and 16 are independent. Reconsideration of the present application is earnestly solicited.

### **Reasons for Entry of Amendment**

As discussed in greater detail hereinafter, Applicant respectfully submits that the rejection under 35 U.S.C. § 103 is improper and should be withdrawn. If the present application is not passed to Issue, Applicant submits that the finality of the Final Office Action mailed on September 23, 2003 should be withdrawn.

In accordance with the requirements of 37 CFR 1.116, Applicant respectfully request entry and consideration of the foregoing amendments as they remove issues for appeal and place the current application in a condition for allowance.

### **Allowable Subject Matter**

Applicant appreciates the Examiner's indication of allowable subject matter. Specifically, the Examiner has indicated that claims 2 and 14-16 have been allowed. As discussed in greater detail hereinafter, Applicant submits that all of the claims of the present application should be allowed and the present application should be passed to Issue.

### **Claim Rejections Under 35 U.S.C. § 103**

Claims 1, 4-13 and 17 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Takahashi (U.S. Patent No. 5,940,824) in view of Otto (U.S. Patent No. 6,244,514). This rejection is respectfully traversed.

In light of the foregoing amendments to the claims, Applicant submits that all of the rejections have been obviated and/or rendered moot. Specifically, the prior art of record fails to teach or suggest each and every limitation of the unique combination of limitations of claims 1 and 12. Accordingly, this rejection should be withdrawn.

With respect to claim 1, the prior art of record fails to teach or suggest each and every limitation of the combination of limitations of the claimed invention, including the limitation(s) of "wherein said compression device

9 ( performs normalization for correcting fluctuation of said image data in reading prior to compression of said image data of said image to perform setup of said image data to achieve a predetermined reference value of the compressed image data. (emphasis added) Accordingly, this rejection should be withdrawn.

With respect to claim 12, the prior art of record fails to teach or suggest each and every limitation of the combination of limitations of the claimed invention, including the limitation(s) of "a retrieval device for retrieving said image stored in said storage device while said compressed image data is in a compressed state to read said information of the image processing corresponding to the image of interest; and a compression device for compressing image data of said image to produce said compressed image data, wherein said compression device performs *normalization for correcting fluctuation of said image data in reading prior to compression of said image data of said image to perform setup of said image data to achieve a predetermined reference value of the compressed image data.*" (emphasis added) Accordingly, this rejection should be withdrawn.

In the claimed invention of claim 1 and 12, normalization of the image data prior to compression is provided. The Examiner acknowledges that Takahashi does not teach or suggest this feature, and relies upon the alleged

teaching of Otto to cure this deficiency. However, the Examiner alleges that Otto suggests normalizing an image data to reduce the number of possible maps for the purpose of minimizing the data amount. Specifically, the Examiner has noted that "Otto clearly teaches the normalization is performed prior to the compression for correcting the fluctuation of the image data by making all standard deviation values and the map zeros (see Final Office Action, page 2, quoting col. 9, lines 10-18 of Otto)." This position is respectfully traversed. Applicant submits that one of ordinary skill in the art would not have modified the alleged teachings of Takahashi in view of Otto as suggested by the Examiner. Further, Applicant submits that the alleged "normalization" process is different than the normalization process of the claimed invention.

In the claimed invention, the normalization of the image data prior to compression in the present invention is performed to set up a predetermined value of the compressed image data of the image, e.g., such as an average value, maximum value or minimum value thereof as a reference value, and preferably to obtain the same average value of the compressed image data between the images and the retrieved images. Even if Otto's alleged normalization process performed prior to the compression for correcting the

fluctuation of the image data by making all standard deviation values and the map zeros were broadly construed as advanced by the Examiner, this process of Otto is different than that of the claimed invention.

Without conceding the propriety of the Examiner's rejection, but merely to timely advance the prosecution of the present application, Applicant has amended claims 1 and 12 to further clarify the claimed normalization process for the benefit of the Examiner. Accordingly, Applicant submits that the prior art of record clearly does not teach or suggest "normalization for correcting fluctuation of said image data in reading *prior to compression of said image data of said image to perform setup of said image data to achieve a predetermined reference value of the compressed image data.*" (emphasis added, quoting claims 1 and 12)

As advanced by the Examiner, Otto's alleged normalization of an image data is performed to reduce the number of possible maps for the purpose of minimizing the data amount. In contrast, normalization of the image data prior to compression in the claimed invention compensates (normalizes) fluctuations due to the different processes of obtaining the image data of respective images, e.g., such as the fluctuations in light modulations to scan in cases where images photographed on photographic films are photoelectrically

read by a scanner. The normalization of the image data prior to compression in the claimed invention is performed to set up a predetermined value of the compressed image data of the image such as an average value, maximum value or minimum value thereof as a reference value, and preferably to obtain the same average value of the compressed image data between the images and the retrieved images. The average value is utilized in setting up an image, i.e., an image data (refer to line 6 from the bottom in page 24 to line 4 in page 26 in the specification of the present application).

In accordance with the above discussion of the patents relied upon by the Examiner, Applicant respectfully submits that these documents, either in combination together or standing alone, fail to teach or suggest the invention as is set forth by the claims of the instant application.

Accordingly, reconsideration and withdrawal of the claim rejections are respectfully requested. Moreover, Applicant respectfully submits that the instant application is in a condition for allowance.

As to the dependent claims, Applicant respectfully submits that these claims are allowable due to their dependence upon an allowable independent claim, as well as for additional limitations provided by these claims.

### **CONCLUSION**

Since the remaining patents cited by the Examiner have not been utilized to reject the claims, but rather to merely show the state-of-the-art, no further comments are necessary with respect thereto.

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently pending rejections and that they be withdrawn.

In the event there are any matters remaining in this application, the Examiner is invited to contact Matthew T. Shanley, Registration No. 47,074 at (703) 205-8000 in the Washington, D.C. area.

Applicant respectfully petitions under the provisions of 37 C.F.R. § 1.136(a) and § 1.17 for a one-month extension of time in which to respond to the Examiner's Office Action. The Extension of Time Fee in the amount of **\$110.00** is attached hereto.

Docket No. 1110-0258P

Appl. No.: 09/448,301

Art Unit: 2624

Amendment dated January 23, 2004

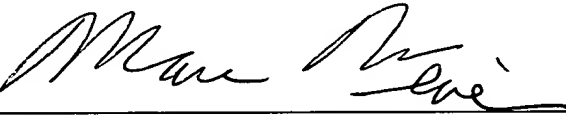
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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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